

Message Text

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ACTION IO-10

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EA-06 NEA-09 RSC-01 SCS-03 PM-03 NSC-05 SP-02 SS-15

CIAE-00 INR-07 NSAE-00 PA-01 PRS-01 USIA-06 CPR-01

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TO SECSTATE WASHDC PRIORITY 231

INFO AMEMBASSY PARIS

AMCVONSUL STRASBOURG

AEMBASSY VIENNA 2372

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FOR SCA SMITH AND L/UNA MATHESON FROM SURENA

PASS OLC/JUSTICE FOR GOLDLANG

E.O. 11652: NA

TAGS: UN, PFOR

SUBJECT: UN CONFERENCE ON THE REPRESENTATION OF STATES IN THEIR
RELATIONS WITH INTERNATIONAL ORGANIZATIONS: COUNCIL
OF EUROPE AD HOC COMMITTEE MEETING

1. SUMMARY: AD HOC COMMITTEE HELD CONSULTATIONS FOR
TWO DAYS, 23-24 JANUARY, AT PARIS OFFICE, COUNCIL OF
EUROPE, TO EXCHANGE VIEWS ON DRAFT ARTICLES ON REPRESENT-
ATION OF STATES IN THEIR RELATIONS WITH INTERNATIONAL
ORGANIZATIONS. OF SPECIAL NOTE: (A) SOME OPPOSITION
WAS EXPRESSED TO U.S. SUGGESTION TO EXPAND SCOPE OF
DRAFT ARTICLES TO COVER ALL INTERNATIONAL ORGANIZATIONS;
AND (B) U.S. VIEW THAT OBSERVER MISSION PERSONNEL SHOULD
RECEIVE ONLY FUNCTIONAL PRIVILEGES AND IMMUNITIES (P&I)
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RECEIVED VIRTUALLY NO RPT NO SUPPORT FROM COMMITTEE

MEMBERS, AND SWISS REPRESENTATIVE STATED UNEQUIVOCALLY THAT HIS GOVERNMENT WAS OPPOSED TO U.S. POSITION. SWISS WISH U.S. TO REVIEW ITS POSITION ON OBSERVER MISSIONS IN GENERAL. AFTER MEETING SWISS REPRESENTATIVE APPROACHED U.S. OBSERVER AND INDICATED SWISS EMBASSY WASHINGTON MAY APPROACH DEPT ON THIS ISSUE. END SUMMARY

2. COUNCIL OF EUROPE AD HOC COMMITTEE ON RELATIONS BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS MEET IN COUNCIL OFFICES, PARIS, 23 TO 24 JANUARY. STATES MEMBERS OF COUNCIL PARTICIPATING WERE: AUSTRIA, BELGIUM, CYPRUS, DENMARK, FRANCE, FRG, IRELAND, LUXEMBOURG, NETHERLANDS, NORWAY, SWEDEN, SWITZERLAND, TURKEY AND UK. OBSERVERS WERE: AUSTRALIA, CANADA, FINALDN, PORTUGAL, SPAIN, AND U.S. (SURENA).

3. FIRST ORDER OF BUSINESS WAS ELECTION OF SIR VINCENT EVANS, UK LEGAL ADVISER, TO CHAIRMAN AD HOC COMMITTEE. EVANS LED COMMITTEE IN THREE-PART DISCUSSION: (A) QUESTIONS ON ORGANIZATION OF THE CONFERENCE; (B) GENERAL DISCUSSION OF MAJOR SUBSTANTIVE ISSUES INVOLVED IN DRAFT ARTICLES; AND, (C) ARTICLE-BY-ARTICLE EXCHANGE OF VIEWS. AT OUT-SET IT WAS MADE CLEAR BY EVANS THAT PARTICIPANTS WERE ONLY EXCHANGING VIEWS, THAT IT WAS NOT THE GOAL OF THE COMMITTEE TO SEARCH CONCLUSIONS, AND THAT NO STATE WOULD BE BOUND BY VIEWS ENUNCIATED IN COMMITTEE. U.S. OBSERVER NOTED THAT HIS REMARKS SHOULD BE REGARDED AS PRELIMINARY, SINCE FINAL U.S. POSITION NOT YET CLEARED IN DEPT.

4. A ORGANIZATION OF CONFERENCE. EVANS NOTED THAT HE UNDERSTOOD THAT FOLLOWING HAD BEEN INFORMALLY AGREED IN NEW YORK AS OFFICERS OF THE CONFERENCE: SETTE CAMARA (BRAZIL) AS PRESIDENT OF CONFERENCE; NETTLES (AUSTRIA) AS CHAIRMAN OF MAIN COMMITTEE; AND MUTUALE (ZAIRE) S CHAIRMAN OF DRAFTING COMMITTEE. AUSTRIAN REP CONFIRMED NETTLES DESIGNATION, AS WELL AS THAT OF SETTE CAMARA AND MUTUALE. ALSO, QUESTION WAS RAISED WHETHER SECRETARIAT (SYG) INTENDED TO RECOMMEND ESTABLISHMENT OF WORKING GROUPS (WG'S) TO SPEED WORK OF LIMITED OFFICIAL USE

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CONFERENCE. NO ONE HAD INFORMATION ON SUBJECT: ON THIS QUESTION, U.S. OBSERVER INDICATED U.S. WOULD PROBABLY SUBMIT PROPOSALS ON SOME CONTENTIOUS PROVISIONS WHICH MIGHT TEND TO BE REFERRED TO WG'S. HE ADDED THAT CUSTOMARY PRACTICE WOULD NORMALLY HAVE STATES WHICH MADE CONFLICTING PROPOSALS SERVE ON WG, AND SINCE USDEL WOULD BE RELATIVELY SMALL, THE PROLIFERATION OF WG'S COULD PROVE REALBURDEN TO USDEL. AS WELL, AS DEBATE

IN 29TH UNGA SIXTH COMMITTEE INDICATED, IT WAS LIKELY MOST DELS WOULD HAVE SMALL STAFFS AND NOT BE ABLE TO PARTICIPATE IN WG'S UNLESS THEY MET OUTSIDE CONFERENCE HOURS. ACCORDINGLY, IN U.S. VIEW, WG'S SHOULD NOT BE ENCOURAGED. COMMITTEE MEMBERS AGREED WITH THIS VIEW.

5. ON ANOTHER POINT, EVANS SUGGESTED, AND FRENCH SUPPORTED VIEW, THAT IT WOULD NOT BE DESIRABLE FOR DRAFTING COMMITTEE TO MEET AT SAME TIME AS MIN COMMITTEE, SINCE DRAFTING COMMITTEE MEMBERS SHOULD KNOW, FIRST HAND, WHAT TRANSPRIRED IN MIN COMMITTEE. HE SUGGESTED WE MIGHT WISH PURSUE THIS MATTER ONCE IN VIENNA.

6. EVANS NOTED THAT IF CONFERENCE FOLLOWS SYG SUGGESTION FOR INTRODUCTION OF AMENDMENTS, IT WILL BE NECESSARY TO HOLD PROPOSAL, IF ANY, TO FIRST FEW ARTICLES PREPARED BY FIRST DAY OF CONFERENCE. HE ALSO PROPOSED, AND COMMITTEE AGREED, TO HAVE WEO GROUP MEETINGS IN VIENNA ON MORNING FEB 4. MEETING TIME AND PLACE HAVE ALREADY BEEN COORDINATED WITH AUSTRIANS AS FOLLOWS-- TIME: 9:30 A.M. AND 12 NOON (IF NECESSARY); PLACE: HOFBURG, 1010 VIE, KLEINER REDOUTENSAAL. MEETING WILL DISCUSS THE COORDINATION OF PROPOSALS TO INITIAL DRAFT ARTICLES, AS WELL AS CANDIDACIES FOR WEO SEATS ON GENERAL AND DRAFTING COMMITTEES.

7. ON QUESTION WHETHER WEO'S SHOULD OBJECT TO SYG PROPOSED GROUPING OF ARTICLES, CONTAINED IN A/CONF. 67/3, UK AND SWISS EXPRESSED WILLINGNESS TO GO ALONG WITH SYG PROPOSAL. UK ARGUED SYG PROPOSAL HAD MERIT IN THAT IT PERMITTED COMPARATIVE EXAMINATION OF ISSUES AND COULD ASSIST WEO'S IN ILLUSTRATING NEED FOR DIFFERENT PROVISIONS FOR MISSION, DELEGATIONS AND OBSERVER

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DELEGATIONS. U.S. NOTED SYG GROUPING, WHILE IT PROVIDED SOME ASSISTANCE TO CONFERENCE, WAS ESSENTIALLY PREJUDICIAL IN THAT IT WOULD CREATE AN INERTIA IN FAVOR OF PARALLEL TREATMENT FOR PERMANENT MISSIONS AND OBSERVER MISSIONS, ET AL. FRANCE, IN BRIEF REMARK, SAID IT COULD NOT ACCEPT SYG PROPOSAL, BUT WAS NOT PREPARED TO INDICATE WHETHER IT WOULD FORMALLY OPPOSE IT AT CONFERENCE.

8. LS. REQUESTED CLARIFICATION WITH RESPECT ITEM 13 OF PROVISIONAL AGENDA. QUESTION WAS WHETHER IT WAS NORM TO SAY THAT CONVENTION AND OTHER INSTRUMENTS WOULD BE SIGNED AT CONFERENCE, OR WHETHER IT WAS MORE APPROPRIATE TO SAY THAT CONVENTION, ET AL, WERE "OPENED" FOR SIGNATURE AT THE CONFERENCE. EVANS INDICATED HE

BELIEVED THAT NORM WAS AS FOUND IN ITEM 13, BUT THAT THIS MEANT THE CONVENTION, ET AL, WOULD BE OPENED FOR SIGNATURE AT CONFERENCE. HE ADDED, THOUGH, THAT IT MIGHT BE ADVISABLE TO REVISE PROVISIONAL AGENDA TO REFLECT THIS PRACTICE.

9. NETHERLANDS NOTED THAT COMTEMPLATED CONVENTION WOULD IMPOSE SOME OBLIGATIONS ON INTERNATIONAL ORGANIZATIONS (IO'S) BUT DID NOT PROVIDE THEM WITH MEANS BY WHICH TO FORMALLY UNDERTAKE OBLIGATIONS UNDER CONVENTION. HE SUGGESTED WEO'S MIGHT PROPOSE FORMULA

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FOR SCA SMITH AND L/UNA MATHESON FROM SURENA

PASS OLC/JUSTICE FOR GOLDLANG

FOUND IN UN CONVENTION ON P&I OF THE SPECIALIZED AGEN-
CIES. AUSTRIAN REP AGREED THERE WAS A NEED FOR SUCH
A NEXUS, AND TOOK OPPORTUNITY TO RECAST EARLIER
AUSTRIAN COMMENT THAT IO'S BE PRMITTED TO ADHERE

FORMALLY TO CONVENTION.

10. B. GENERAL EXCHANGE OF VIEWS ON SUBSTANCE OF DRAFT ARTICLES. VANS RAISED ISSUE OF SCOPE OF DRAFT ARTICLES. US NOTED THAT USDEL TENTATIVELY CONSIDERING PROPOSING EXPANSION OF SCOPE TO INCLUDE ALL IO'S, AND GAVE RATIONALE AS FOUND IN U.S. DRAFT POSITION PAPER. FRANCE TOOK CONTRARY VIEW, AND WANTED SCOPE TO BE PRECISELY LIMITED TO UN AND SPECIALIZED AGENCIES (SA'S). ONLY THEN WOULD FRANCE BE WILLING TO GO ALONG WITH MOST OF THE P&I PROVISIONS FOUND IN DRAFT LIMITED OFFICIAL USE

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ARTICLES. UK SHARED FRENCH VIEW, INDICATING THINGS WOULD BE WORSE IF THE SCOPE OF THE CONVENTION WERE EXPANDED, AND THE DEGREES OF P&I NOW IN DRAFT ARTICLES WERE ADOPTED. NETHERLANDS SHARED U.S. VIEW, AND AFTER UK AND FRENCH STATEMENTS, SIMPLY INDICATED THEIR ARGUMENTS REINFORCED HIS AGREEMENT WITH U.S. SUGGESTION. SWISS WERE UNDECIDED, BUT TENDED TO CONCUR WITH FRENCH.

11. ON QUESTION OF TREATMENT TO BE ACCORDED OBSERVER MISSIONS, U.S. EXPLAINED WHY, IN U.S. VIEW, OBSERVER MISSIONS SHOULD NOT BE TREATED IN MANNER IDENTICAL TO TREATMENT OF PERMANENT MISSIONS; NAMELY: IN GENERAL, THEY DO NOT REPRESENT, BUT OBSERVE ON BEHALF OF, A STATE; AND, THEIR FUNCTIONS THUS DO NOT GENERALLY REQUIRE THE STAFF, NOR THE P&I FOR SUCH STAFF AS PERMANENT MISSIONS DO. SWISS REACTION WAS STRONG. SWISS RE (RITTER) STATED HIS GOVERNMENT BELIEVES OBSERVER MISSIONS SHOULD GET TREATMENT IDENTICAL TO PERMANENT MISSIONS. HE STATED SWISS OBSERVER MISSION NEW YORK IS LARGER THAN MANY SWISS EMBASSY STAFFS, THAT SWISS UN AMBASSADOR NEGOTIATE FOR SWISS WITH UN AND MEMBER STATES, AND THAT SWISS MISSION SHOULD BE REGARDED AS DIPLOMATIC. CANADA REP STATED THAT INSMUCH AS CANADA IS OAS OBSERVER, HE REGRETTED U.S. STATEMENT. U.S. TOOK OPPORTUNITY TO NOTE THAT CANADA AS OAS OBSERVER IS ELIGIBLE FOR DIPLOMATIC P&I, AND THAT THIS WAS ENTIRELY CONSISTENT WITH U.S. STATEMENT. OAS WAS PARTICULAR OI FOR WHICH HOST STATE AND IO ARE MAKING SPECIFIC ARRANGEMENTS AS APPROPRIATE TO THE SPECIFIC NEEDS OF THE ORGANIZATION. BUT THE DRAFT ARTICLES WOULD CONSTITUTE A GENERAL CONVENTION APPLICABLE TO WIDE RANGE OF IO'S. IT WOULD NOT BE APPROPRIATE FOR SUCH A CONVENTION TO TREAT STATE OBSERVER MISSIONS IN SAME MANNER AS STATE PERMANENT MISSIONS. TO DO SO WOULD ONLY CONFUSE DISTINCTION BETWEEN THE TWO WHICH MAY, AND WE CONTEND DO, EXIST IN MOST ORGANIZATIONS.

12. EVANS ASKED VIEWS OF WHAT SHOULD BE DONE IF ATTEMPT IS MADE TO INCLUDE NATURAL LIBERATION MOVEMENTS (NLM'S) AMONG THOSE ELEIGIBLE TO RECEIV P&I UNDER THE DRAFT ARTICLES. IN ANSWER TO HIS OWN LIMITED OFFICIAL USE

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QUESTION, VANS NOTED THAT DRAFT ARTICLES DEAL WITH "RELATIONS OF STATES" AND THIS EXCLUDE NLM'S. THIS WAS GENERAL VIEW OF COMMITTEE. SWISS RP EXPLAINED HIS CONCURRENCE BY NOTING THAT ON KNOWS WHAT A STATE IS, AND THAT STATES, IN GENERAL, FALL WITHIN THE AMBIT OR CONVENTION, BUT NLM'S VARY IN NATURE AND THUS QUESTIONS OF NLM ELEGIBILITIES FOR P&I OR OTHER ASSISTANCE MUST BE DECIDED ON CASE-BY-CASE BASIS.

13. (C) ARTICLE-BY-ARTICLE EXCHANGE OF VIEWS ENSUED. FOLLOWING HIGHLIGHTS DISCUSSION.

14. ARTICLE 1. U.S. MADE POINTS ON OBSERVER MISSION QUESTION AS FOUND IN PARAS 1(6), 1(8), 1(16), 1(21), AND 1(22)-BIS. NO PARTICIPANTS CONCURRED IN U.S. SUGGESTIONS. FRENCH AND UK WISHED TO REVISE PARA 1(27) SO AS NOT TO APPLY TO PERSONAL HOTEL ACCOMMODATIONS, BUT THOUGHT THEY COULD ACCEPT ITS APPLICABILITY TO, E.G., HOTEL SUITS USED AS DELEGATION OFFICE.

15. ARTICLE 2. UK SUGGESTED ARTICLE BEGIN WITH PHRASE "SUBJECT TO ARTICLES 3 AND 4" ALSO UK THOUGHT IT MIGHT BE DESIRABLE TO ADD NEW PARA STATTING THAT UNGA MIGHT FROM TIME TO TIME DETERMINE TO WHICH IO'S THE PRESENT ARTICLES SHALL APPLY, UPON ACCEPTANCE BY SUCH IO OF THE CONVENTINON. US REFERRED ONCE AGAIN TO EXPANDING SCOPE OF DRAFT ARTICLES.

16. ARTICLES 3 AND 4. ALL AGREED IT WAS IMPORTANT THESE ARTICLES BY ADOPTED WITHOUT ANY SIGNIFICANT CHANGE.

17. ARTICLE 5. UK AND BELGIUM WISH TO DELETE "IN POSSIBLE."

18. ARTICLE 7. U.S. NOTED THAT 7(A) AND (C) SHOULD BE REVISED TO DELETE REFERENCES TO REPRESENTATION AND NEGOTIATION. UK SUGGSTED THAT OBSERVER MISSIONS DO NEGOTIATE. U.S. NOTED THAT, NONETHELESS, NEGOTIATION SHOULD NOT BE VIEWED AS INHERENT FUNCTION OF OBSERVER MISSIONS IN GENERAL.

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19. ARTICLE 9. UK, FRANCE, AUSTRIAN CANADA, SWITZERLAND AND U.S. NOTED IMPORTANCE OF HAVING APPROPRIATE PROVISION IN DRAFT ARTICLE WHICH PERMITED HOST STATE TO REFUSE TO ACCEPT (PERSONA NON GRATA BY ANOTHER NAME) PERSONNEL DESIGNATED BY A SENDING STATE COMMITTEE AGREED ARTICLE 9 SHOULD BE USED AS FIRST ATTEMPT TO SECURE SUCH A PROVISION.

20. ARTICLE 12. UK AND FRANCE PREFERRED DELETION SAYING SIMPLY IT DID NOT BELONG IN THESE DRAFT ARTICLES.

21. ARTICLE 14. SWISS AND UK SEEK LANGUAGE WHICH AUTHORIZES STATE TO LIMIT SIZE OF MISSION. U.S. AND FRANCE NOTED THAT THEY HAD INDICATE THEY COULD LIVE WITH PRESENT LANUGAGE, BUT MIGHT BE ABLE SUPPORT SWISS-UK INITIATIVE.;

22. ARTICLE 15. UK WANTS SENDING STATE TO BE UNDER OBLIGATION TO SEND PRIOR NOTIFICATION TO HOST STATE. FRENCHCONCUR WITH PROPOSED DELEGATION OF "WHERE POSSIBLE" IN PARA 2. FRENCH EXPLAINED THAT HOST STATE NEEDS PRIOR NOTIFICATION IN ORDER TO DENY ENTRY AND HOST STATE SHOULD HAVE PRIOR NOTIFICATION IN ORDER TO GRANT P&I IN TIME. AUSTRIA AND SWITZERLAND CONCURRED IN FRENCH PROPOSAL.

23. ARTICLE 16. UK PROPOSED THAT TERM "CHARGE D'AFFAIRE"SHOLD NOT BE USED IN THIS ARTICLE AT ALL, GIVEN THAT TERM IS PART OF DIPLOMATIC PRACTICE NOT RELATED TO MISSIONS TO IO'S.

24. ARTICLE 19. U.S.; MADE POINT THAT OBSERVER MISSION SHOULD NOT BE PERMITTED TO DISPLAY FLAG OR EMBLEM.

25. ARTICLE 20. SWISS WANT ARTICLE TO ACCORD SAME TREATMENT TO PERMANENT AND OBSERVER MISSION . NETHERLANDS CONCLUDED THAT PARA 1(A) WAS INAPPROPRIATE AND THAT PARA 1B) SHOULD APPLY TO BOTH.

26. ARTICLE 21. NETHERLANDS STATED IO SHOULD HAVE MAJOR RESPOSIBILITY FOR FACILITATING ACCOMMODATIONS. LIMITED OFFICIAL USE

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U.S. CONCURRED IN GENERAL IDEA, NOTING U.S. MAY MAKE

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FOR SCA SMITH AND L/UNA MATHESON FROM SURENA

PASS OLC/JUSTICE FOR GOLDLANG

SEVERAL PROPOSALS OF THAT NATURE AT CONFERENCE.

27 ARTICLE 23. FRENCH, CANADIANS, UK AND U.S.

FAVORED SUBSTITUTION OF VIENNA CONVENTION CONSULAR
RELATIONS FOR LAST SENTENCE OF PARA 1.

28. ARTICLE 26. FRENCH AND CANADIAN DID NOT THINK
GUARANTEE OF SUCH FREEDOM OF MOVEMENT WAS CALLED FOR,
AND PREFERRED LANGUAGE ALONG LINES OF ARTICLE 57 OF
DRAFT ARTICLES. U.S. AND SWISS CONCURRED.

29. ARTICLE 30. UK WOULD REVISE PARA 1(D) SO THAT
IMMUNITY FROM JURISDICTION WOULD NOT APPLY WITH RESPECT
TO A FRAUDULENT OFFENSE OR WITH RESPECT TO ANY CIVIL DAMAGE
RESULTING THEREFROM.

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30. ARTICLE 31. UK NOTED TEXT SHOULD SAY THAT SENDING STATE IS UNDER A DUTY TO WAIVE IMMUNITY UNDER CERTAIN CIRCUMSTANCES.

31. ARTICLE 35. U.S. NOTED USDEL WAS CONSIDERING ADDING, AS EXCEPTION TO IMMUNITY FROM INSPECTION, PROVISION REGARDING GENERAL INSPECTION PROGRAMS CARRIED OUT TO PREVENT AIR PIRACY AND TERRORISM. WHILE VARIOUS DELS LIKED IDEA(AND CANADIAN NOTED HIS GOVERNMENT WAS CONSIDERING MAKING SUCH A PROPOSAL) OVERALL REACTION WAS NOT FAVORABLE. PROBLEM INDICATED IN U.S. PROPOSAL WAS THAT IT REFERRED TO "TERRORISM" AND"AIR PIRACY" AND THUS WOULD GENERATE POLITICAL OPPOSITION. ADDITIONALLY VARIOUS DELS THOUGHT THAT THE RIGHT ON AN AIRLINE TO SEARCH ITS PASSENGERS, INCLUDING DIPLOMATS, WAS CLEARLY SETTLED, AND FOR THE U.S. TO ADVANCE A PROPOSAL THAT WOULD PROBABLY BE REJECTED WOULD ONLY MUDDY THE WATERS. U.S. STATED THAT THIS WAS NOT INTENDED AS A POLITICAL PROPOSAL,(AND THAT LS VIEWS WOULD BE GIVEN CONSIDERATION.

32. ARTICLE 36. U.S.NOTED P&I IN THIS PROVISION SHOULD BE IN ACCORD WITH THE CONVENTION ON P&I OF THE UN. ONLY OTHER COMMENT ON ARTICLE WAS BY FRENCH WHO INDICATED DIFFICULTY WITH ACCORDING P&I TO FAMILY MEMBERS AND THEIR VEHICLES.

33. ARTICLE 43. COMMENTS WERE AS PER COMMENTS TO ARTICLE 9.

34. ARTICLE 46. UK REITERERATED VIEWS ON SIZE OF DELETION QUESTION.

35. ARTICLE 47. U.S.NOTED THAT USDEL MAY URGE DELETION OF "ENJOYING INVOLABILITY UNDER ARTICLES 54 AND 60," SINCE IT IS NOT CLEAR WE WOULD WANT TO CONSIDER SUCH PREMISES INVOLABLE. OTHER DELS DID NOT APPEAR HAVE DIFFICULTY WITH INVOLABILITY QUESTION.

36. ARTICLE 50. GENERAL CONSENSUS DEVELOPED TO SUPPORT LIMITED OFFICIAL USE

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PORT DELETION OF ARTICLE 50.

37. ARTICLE 54. UK FEELS PARA 2 PLACED TOO GREAT AN OBLIGATION ON HOST STATES, AND PLANS TO PROPOSE REVISION.

U.S. SUGGESTED DELETION OF PARA 1, ACCEPTANCE OF PARA 2 AND 3 AND INCORPORATION OF ARTICLE 60.2 INTO PARA 3. FRENCH CONCURRED WITH U.S. SUGGESTION.

38. ARTICLE 55. CANADIAN DEL NOTED THAT ARTICLE POSED CERTAIN UNSPECIFIED ADMINISTRATIVE DIFFICULTIES.

39. ARTICLE 59. UK PREFERRED ARTICLE 11(A) OF CONVENTION ON P&I OF UN.

40. ARTICLE 60. WHILE OTHER DELS AMBIVALENT ON ISSUE, U.S. NOTED USDEL PROBABLY COULD NOT ACCEPT PARA 1. PARA 2 E WOULD LIKE TO SEE INCORPORATED IN ARTICLE 54.3

41. ARTICLE 61. UK PREFERRED ALTERNATIVE B OF PROVISIONAL DRAFT (WHICH U.S. IN ITS WRITTEN COMMENTS ALSO PREFERRED).

42. ARTICLE 66. WITHOUT MUCH ELABORATION, FRENCH NOTED ARTICLE WAS NOT ACCEPTABLE TO THEM. UK STATED IT COULD BE ACCEPTABLE IF 66.1 (B) MODIFIED REFER TO "FIRST ENTRY."

43. ARTICLE 67. SWEDEN REMARKED THAT ARTICLES 66 AND 67 SHOULD BE BROUGHT IN LINE WITH CONVENTION ON P&I OF THE UN AND THE CONVENTION ON P&I OF THE SA'S. UK AGREED, AND SUGGESTED REVISION OF PARAS 1 AND 2 OF ARTICLE 67 AND DELETION OF PARAS 3 AND 4.

44. ARTICLE 69. U.S. NOTED THAT IN LIGHT ON COMMITTEE DISCUSSIONS ON WHEN HOST STATE SHOULD RECEIVE NOTIFICATION OF ARRIVALS AND DEPARTURES, ARTICLE 69 WOULD HAVE TO BE REVISED.;

45. ARTILCE 83. UK NOTED THIS ARTILCE SHOULD BE IN NORM ON OPTIONAL PROTOCOL, AS DONE FOR VIENNA DIPLOMATIC AND CONSULAR CONVENTIONS.

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MATIC AND CONSULAR CONVENTIONS.

46. ARTICLE 75. BELGIUM WANTS ARTILCE TO REFLECT OBLIGATION OF SENDING STATE TO OBSERVE LOCAL LAWS. AUSTRIA WOULD LIKE PARA 2 TO REFLECT THAT SENDING STATE WILL RECALL PERSONS UPON REQUEST OF THE HOST STATE." FRENCHWANT TO MAKE CLEAR THAT DIPLOMATIC ASYLUM IS NOT PERMITTED. US. NOTED THAT ARTICLE SHOULD PROVIDE FOR RECALL "IN CASE OF ABUSE OF PRIVILEGES OF RESIDENCE." LATTER LANGUAGE COULD BE IN ADDITION TO, OR SUBSTITUTION OF,PROVISIONS ON "GRAVE AND MANIFEST

VIOLATION OF CRIMINAL LAW."

47. ARTICLE 77. UK WOULD REVISE "PERMIT ENTRY" TO
READ "FACILITATE ENTRY."

48. ARTICLE 80. FRENCH AND U.S.; NOT THIS ARTICLE
MAY POSE THEM DIFFICULTIES WITH REGARD TO FREEDOM OF
MOVEMENT.

49. ARTICLES 81 AND 82. IT WAS AGREED THAT SOME THIRD-
PARTY DISPUTE SETTLEMENT PROCEDURE SHOULD BE INCLUDED.
SWITZERLAND AND AUSTRIA WISHED TO QUICKEN THE PRO-
POSED CONCILIATION PROCESS. NETHERLANDS AND U.S.
EXPRESSED PREFERENCE FOR REFERENCE TO THE INTERNATIONAL
COURT OF JUSTICE.

50. ANNEX. US ARGUED THAT IT IS NOT CLEAR THERE
IS ANY PRACTICAL NEED FOR ANNEX. SWISS ARGUED RETEN-
TION OF ANNEX, WITHOUT RESPONDING TO U.S. POINTS
REGARDING ITS LACK OF UTILITY. ISSUE WAS LEFT OPEN,
WITH U.S. ASKING WHO'S TO CONSIDER POINTS MADE AND
INDICATE UPON APPROVAL IN VIENNA WHETHER THEY CONCUR
THERE IS NO PRACTICAL NEED FOR ANNEX.

51. COMMENT: CONSULTATIONS MADE CLEAR THAT U.S. WILL
RECEIVE VIRTUALLY NO RPT NO SUPPORT IN ITS ATTEMPTS TO
TREAT OBSERVER MISSIONS IN MANNER DIFFERENT THAN PER-
MENENT MISSIONS. ALSO, SWISS APPEAR PREPARED TO OPPOSE
VIGOROUSLY SUCH U.S. PROPOSALS. DEPT MAY WISH TO REVIEW
POSITION IN LIGHT OF THESE FACTORS.

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52. QUESTION OF SCOPE OF ARTICLES IS LESS CLEAR.
FRENCH AND UK SAY THEY WISH DRAFT ARTICLES TO APPLY
BASICALLY TO UN AND SAS. (FRENCH WANT ARTICLES TO
APPLY ONLY RPT ONLY TO UN AND SAS. WHEN IT IS POINTED
OUT THIS WOULD MAKE SCOPE OF CONTEMPLATED CONVENTION
REDUNDANT IN LIGHT OF UN CONVENTION ON P&I AND CON-
VENTION ON P&I OF THE SPECIALIZED AGENCIES, THEY WERE
NONPLUSSED.) IN ANY CASE, IT IS BECAUSE OF RESTRICTED
SCOPE THAT UK AND FRENCH CLAIM THEY CAN GO ALONG WITH
MANY OF THE DRAFT ARTICLES' EXPANSIONS OF CURRENT
LAW AND PRACTICE. IN THAT LIGHT, IT WOULD NOT APPEAR
IN U.S. INTERESTS TO ABANDON, AT THIS TIME, ATTEMPTS
TO EXPAND SCOPE OF ARTICLES. END COMMENT. DALE

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Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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